



H E A L T H R I G H T S H O T L I N E
INDEPENDENT ASSISTANCE FOR HEALTH CARE CONSUMERS

VIA E-MAIL TRANSMISSION

November 16, 2005

Phoenix Vigil
Department of Managed Health Care
980 9th Street, 5th Floor
Sacramento, CA 95814

RE: Contribution to Proceeding for 2003-0298 – Block Transfer Filings

Dear Ms. Vigil:

The Health Rights Hotline is submitting a request for an Award of Fees of \$7,268.75 under the Department of Managed Health Care Consumer Participation Program for making a substantial contribution to the Continuity of Care/Block Transfer Filings Regulation.

The amount requested is more than our original estimate of \$2,500. Since this is the first time we have ever requested or applied for an award of fees, I am requesting, at this time, that our original estimate be amended to \$7,300. When the original estimate was made in May 2004, I had no idea how much staff time the Hotline would devote to the process of commenting on the regulations or what the “market rates” would be for the staff – attorneys and non-attorneys – involved in the process. Neither we, nor the Department, knew that there would be more than one public comment period or that the Department would hold a hearing on the proposed regulations. All of these factors contributed to the increase in Hotline staff time spent on these regulations and therefore the amount of fees requested.

As a representative of health care consumers, the Health Rights Hotline has a duty to be actively involved in all phases of the regulatory process to ensure that consumers' concerns are considered. Under the direction of Shelley Rouillard, Program Director, and Elizabeth Landsberg, Supervising Attorney, the Health Rights Hotline reviewed and commented extensively on Section 1300.67.13, Title 28, the Department of Managed Health Care's Continuity of Care/Block Transfer Filings regulation.

Specifically, the Health Rights Hotline conducted the following activities:

- Staff attorney Pramela Reddi offered comments at the Department's public hearing on November 30, 2004. In preparing her testimony, Pramela reviewed the text of the proposed regulations and authorizing statute, discussed the regulations with other advocates and Hotline staff, reviewed comments and perspectives from health plans

and other stakeholders, and analyzed consumers' experiences based on calls received by the Health Rights Hotline.

- Following the hearing, Pramela submitted a letter dated December 1, 2004 on behalf of the Hotline, joined by the Western Center on Law and Poverty, in which she analyzed the proposed regulation section-by-section. The analysis sought to determine the regulation's effectiveness in providing HMO, POS, and PPO enrollees with appropriate notification when a provider group or hospital contract is terminated by a plan. The analysis stressed the importance of using "plain English" to convey information to consumers.
- The Health Rights Hotline drafted a model transfer notice and submitted it to the Department with the December 1, 2004 letter. The model notice was drafted so that it would be useful, as well as accessible, to consumers.
- Elizabeth Landsberg, with the assistance of policy analyst/legal graduate Vanessa Franco, submitted comments from the Hotline in a letter dated June 23, 2005, for the Department's final round of review.

Based on our experience addressing specific consumer issues and as advocates for consumers, the Hotline has made a substantial contribution to the Department's regulatory process regarding Continuity of Care/Block Transfer Filings regulation. Therefore we request the Department award fees to the Health Rights Hotline in the amount of \$7,268.75.

Attached is a detailed summary of the activities conducted and fees requested by the Health Rights Hotline. Thank you for your consideration of our request.

Sincerely,

Shelley Rouillard
Program Director

Enclosure

HEALTH RIGHTS HOTLINE
DMHC Consumer Participation Program Fee Request
Continuity of Care/Block Transfer Filings Regulation

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff	Exact Time Spent (hour)	Amount Billed for Task	Hourly Rate	Name of Witness
Hearing		Attend and provide comments at DMHC public hearing	11/30/2004	PRR	2.00	\$500.00	\$250.00	Pramela Reddi
Letter		Review model notice and edit	12/1/2004	SR	0.75	\$150.00	\$200.00	
Letter		draft letter on second set of proposed regs	6/22/2005	EAL	1.25	\$406.25	\$325.00	
Letter		fax cover and sending letter	6/23/2005	EAL	0.25	\$81.25	\$325.00	
Letter		changes to letter	6/23/2005	EAL	0.25	\$81.25	\$325.00	
Letter		finalizing and sending letter on regs	6/23/2005	EAL	0.50	\$162.50	\$325.00	
Letter		editing letter	6/23/2005	VRF	0.25	\$37.50	\$150.00	
Letter		Draft model notices to include with comment letter	11/24/2005	PRR	2.75	\$687.50	\$250.00	
Letter		Draft comment letter, including comments to make at hearing	11/30/2005	PRR	3.25	\$812.50	\$250.00	
Letter		Finalize and submit comment letter	12/1/2005	PRR	2.00	\$500.00	\$250.00	
Meeting		Meeting with Elizabeth and Shelley to discuss draft regulations, specifically the required elements of the enrollee	11/2/2004	PRR	0.50	\$125.00	\$250.00	
Meeting		Discussion of draft regulations with Pramela and Elizabeth	11/2/2004	SR	0.50	\$100.00	\$200.00	
Meeting		Meet with Shelley to discuss text for model notice	11/17/2004	PRR	0.50	\$125.00	\$250.00	
Meeting		Meet with Pramela to discuss text for model letter	11/17/2004	SR	0.50	\$100.00	\$200.00	
Meeting		Review of regs and proposed notices	11/23/2004	SR	0.25	\$50.00	\$200.00	
Meeting		Discussed model notices at systemic meeting	11/24/2004	EAL	0.25	\$81.25	\$325.00	
Meeting		Meeting with Elizabeth to discuss model notices	11/24/2005	PRR	0.25	\$62.50	\$250.00	
Research	Margie Swartz	Review WCLP's September 2004 comments on regulations	10/27/2004	PRR	0.50	\$125.00	\$250.00	
Research		Read proposed regulation and block transfer statute	11/2/2004	PRR	0.50	\$125.00	\$250.00	
Research		Review continuity of care statutes	11/12/2004	PRR	1.50	\$375.00	\$250.00	
Research		Analyze Hotline caller data for continuity of care, PCP selection, and hospital access issues	11/17/2004	PRR	2.50	\$625.00	\$250.00	
Research		Research point of service plans, specialty care, and continuity of care issues	11/18/2004	PRR	3.00	\$750.00	\$250.00	
Research		Research use of a safe harbor provision	11/19/2004	PRR	1.00	\$250.00	\$250.00	
Research		Reviewed PR's draft of model notices	11/23/2004	EAL	0.25	\$81.25	\$325.00	
Research		reviewing draft notice with CMA suggested changes	12/1/2004	EAL	0.25	\$81.25	\$325.00	
Research		Review comments from health plans and other stakeholders provided at hearing	12/1/2004	PRR	1.00	\$250.00	\$250.00	
Research		Reviewing revised regs - 2nd comment period	6/15/2005	EAL	0.50	\$162.50	\$325.00	

HEALTH RIGHTS HOTLINE
DMHC Consumer Participation Program Fee Request
Continuity of Care/Block Transfer Filings Regulation

Activity	Other Parties Involved in Proceeding	Subject Matter and Work Description	Date of Activity	Staff	Exact Time Spent (hour)	Amount Billed for Task	Hourly Rate	Name of Witness
Research		reviewing revised draft and Vanessa's analysis	6/17/2005	EAL	0.25	\$81.25	\$325.00	
Research		Reviewing revised regs and drafting comments	6/22/2005	EAL	0.50	\$162.50	\$325.00	
Research		Review of final regs, comparison with HRH comments submitted	9/1/2005	VRF	0.50	\$75.00	\$150.00	
Telephone Call	Margie Swartz	Discuss "model" ntoce concept wit WCLP and legislative intent of block transfer statute	11/2/2004	PRR	0.25	\$62.50	\$250.00	
Totals					28.50	\$7,268.75		